

IPW



PATENT
Customer No. 22,852
Attorney Docket No. 02734.0495-02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Paul J. RUTHVEN et al.)	Group Art Unit: 1731
)	
Application No.: 10/808,431)	Examiner: Eric J. HUG
)	
Filed: March 25, 2004)	
)	
For: AN APPARATUS AND METHOD FOR)	Confirmation No.: 6967
DEGRADING A WEB IN THE MACHINE)	
DIRECTION WHILE PRESERVING CROSS-)	
MACHINE DIRECTION STRENGTH)	

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

This communication responds to the Office Action mailed July 29, 2005 ("Restriction Requirement"). Claims 1-68, 104-111, and 113-114 are pending in this application. The Examiner has required restriction under 35 U.S.C. § 121 to one of the following two groups of inventions:

- Group I - Claims 1-68 and 113-114, drawn to an embossing system for embossing and perforating, classified in class 162, subclass 362;
- Group II - Claims 104-111, drawn to a perforate embossed web, classified in class 428, subclass 131.

Applicants provisionally elect, with traverse, to prosecute the subject matter embodied in the claims of Group I (claims 1-68 and 113-114). Applicants respectfully traverse the restriction requirement between Groups I and II because the subject matter of the claims within those groups overlaps to such an extent that examination of both groups of claims would not present a serious burden on the Examiner. See MPEP § 803 ("There must be a serious burden on the examiner if restriction is required.").

The Examiner states that claimed apparatus of Group I may be used to practice a materially different process, i.e., embossing non-cellulosic web or providing webs not having the claimed tensile ratio or transluminance, and that the claimed product of Group II may be made by another apparatus. See Restriction Requirement at page 2. In spite of that assertion regarding distinct inventions, Applicants believe that the examination of Groups I and II together would not present the required serious burden on the Examiner. For example, the search required for the subject matter of Group I would inevitably overlap at least partially with the search required for the subject matter of Group II, given that both Group I and Group II involve some degree of embossing and perforating. That overlap reveals that no serious burden would exist on the Examiner to examine both Groups I and II in this application. Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

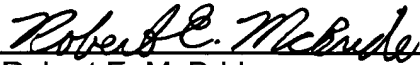
Applicants have provisionally elected, with traverse, to prosecute the subject matter of Group I, as currently embodied in claims 1-68 and 113-114. For the reasons stated above, however, Applicants respectfully request that the restriction requirement be withdrawn and that all pending claims be considered during prosecution.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: August 29, 2005

By: 
Robert E. McBride
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